

## NATURAL RESOURCES DEPARTMENT[561]

### Notice of Intended Action

**Twenty-five interested persons, a governmental subdivision, an agency or association of 25 or more persons may demand an oral presentation hereon as provided in Iowa Code section 17A.4(1)"b."**

**Notice is also given to the public that the Administrative Rules Review Committee may, on its own motion or on written request by any individual or group, review this proposed action under section 17A.8(6) at a regular or special meeting where the public or interested persons may be heard.**

Pursuant to the authority of Iowa Code section 558.69, the Department of Natural Resources hereby gives Notice of Intended Action to amend Chapter 9, "Groundwater Hazard Documentation," Iowa Administrative Code.

The proposed amendments have two purposes. The first purpose is to implement the septic tank time-of-transfer requirements adopted by the Iowa Legislature in 2008 Iowa Acts, Senate File 261. The second purpose is to provide an exemption for leases related to electronics towers and wind turbines.

Any interested person may make written suggestions or comments on the proposed amendments by submitting those comments on or before January 23, 2009. Written comments should be directed to Jon C. Tack, Iowa Department of Natural Resources, Wallace State Office Building, 900 East Grand Avenue, Des Moines, Iowa 50319-0034; fax (515)281-8895; E-mail [jon.tack@dnr.iowa.gov](mailto:jon.tack@dnr.iowa.gov).

Also, a public hearing will be held on Friday, January 23, 2009, at 1 p.m. in the Fifth Floor West Conference Room of the Wallace State Office Building, 502 E. 9th Street, Des Moines, Iowa, at which time persons may present their views either orally or in writing. At the hearing, persons will be asked to give their names and addresses for the record and to confine their remarks to the subject of the amendments.

These amendments are intended to implement Iowa Code section 455B.172 as amended by 2008 Iowa Acts, Senate File 261, and section 558.69.

The following amendments are proposed.

ITEM 1. Amend paragraph **9.1(4)"a"** as follows:

*a.* Any recorded lease of land which has a term of five years or more, except leases related to the construction or maintenance of cell phone, television, radio or similar electronics towers and leases related to the construction or maintenance of electricity-generating wind turbines. Leases or easements reserving rights to the future construction of the tower and wind turbine structures exempted by this subrule are similarly exempted;

ITEM 2. Amend subrule 9.2(1) as follows:

**9.2(1)** The transferor, ~~their~~ or the transferor's agent or attorney shall sign department Form 542-0960, "Groundwater Hazard Statement," which may be obtained from the department or local county recorder. An agent or attorney may sign the form for the transferor, but in doing so the agent or attorney represents that a good faith inquiry of the transferor has been made regarding the information contained in the form; and that ~~the information~~ is correct. The department hereby adopts by reference Form 542-0960 "Groundwater Hazard Statement," as amended through [insert effective date of these amendments]. For all real estate transactions dated July 1, 2009, or later, a county recorder shall accept only the amended and revised form, as adopted by reference. The department authorizes the reproduction of Form 542-0960 by any person through photocopying or electronic means so long as the general format and wording are not altered in the reproduction thereof.